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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Davon Lyons,

Petitioner,

v.

Warden Brian Williams, et al.,

Respondents.

Case No. 2:19-cv-00966-APG-NJK

**Unopposed motion for extension of
time to file second amended
petition for writ of habeas corpus**

(Third Request)

ORDER

1 Petitioner Davon Lyons respectfully moves this Court for the entry of an order
2 extending the time within which he must file a second amended petition for writ of
3 habeas corpus by 61 days from April 8, 2020, up to and including Monday, June 8,
4 2020. Respondents, by Deputy Attorney General Jaimie Stilz, do not object to this
5 request, though their non-objection does not constitute a waiver of any procedural
6 defenses Respondents may wish to raise in response to the amended petition
7 including, but not limited to, timeliness, procedural default, and questions of
8 exhaustion.

9 This is Mr. Lyons's third request for an extension of time. This motion is not
10 filed for the purposes of delay but in the interests of justice, as well as in the interests
11 of Mr. Lyons.

12 The Federal Public Defender was appointed to represent Mr. Lyons on June
13 11, 2019. (ECF No. 4.) On that same day, the Federal Public Defender filed an
14 amended petition. (ECF No. 6.) This Court thereafter granted Mr. Lyons's request to
15 file a second amended petition. (ECF No. 11.) Undersigned counsel filed her notice of
16 appearance on September 27, 2019. (ECF No. 14.)

17 Undersigned counsel has been working on Mr. Lyons's case in an effort to
18 comply with the Court's deadline. However, counsel respectfully submits that
19 additional time is necessary to properly prepare the second amended petition. In
20 addition to the time spent on Mr. Lyons's case, counsel's responsibilities in other cases
21 contribute to the need for an extension of time. Since beginning work at the Federal
22 Public Defender for the District of Nevada in September, counsel has been learning
23 the twenty cases for which she has entered an appearance. She has been working
24 diligently to meet both past and upcoming deadlines for other clients. This includes
25 a reply in support of a habeas petition, an opposition to a motion to dismiss, and
26 upcoming deadlines including an opening brief in the Ninth Circuit, another amended
27 habeas petition, a reply in support of a habeas petition, and an opposition to a motion

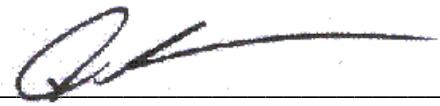
1 to dismiss.

2 The current pandemic supports and furthers the need for an extension. The
3 Federal Public Defender's Office is working remotely, and undersigned counsel has
4 been doing so since March 16, 2020. Working remotely has introduced new logistical
5 challenges, including technological difficulties. It has also delayed the collection of
6 records and impeded the ability to access paper files. Other courts have recognized
7 the impact of COVID-19 on normal court proceedings. The Ninth Circuit, for example,
8 has recognized the current pandemic "has disrupted services of all kinds" and is a
9 valid basis for extending deadlines. United States Court of Appeals for the Ninth
10 Circuit, *COVID-19 Notice* (as of Mar. 26, 2020),
11 <http://cdn.ca9.uscourts.gov/datastore/general/2020/03/16/COVID-19%20Notice.pdf>.
12 So too has the Supreme Court, which extended the deadline for all petitions for
13 certiorari. Supreme Court of the United States, *Order* (Mar. 19, 2020),
14 https://www.supremecourt.gov/orders/courtorders/031920zr_d1o3.pdf.

15 For these reasons, counsel asks this Court to grant Mr. Lyons's request to
16 extend the time for filing a second amended petition by 61 days until June 8, 2020.

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18 Dated April 6, 2020.

19 Respectfully submitted,

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21 **IT IS SO ORDERED.**
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Rene L. Valladares

Federal Public Defender

/s/ Emma L. Smith

Emma L. Smith

Assistant Federal Public Defender

UNITED STATES DISTRICT JUDGE
Dated: April 6, 2020.

IT IS SO ORDERED:

United States District Judge

Dated: _____